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DOCKET NO. D-2001-008-2

DELAWARE RIVER BASIN COMMISSION

**Southeastern Pennsylvania
Ground Water Protected Area**

**Shearon Golf
Raven's Claw Golf Club
Groundwater Withdrawal**

Limerick and Lower Pottsgrove Townships, Montgomery County, Pennsylvania

PROCEEDINGS

This docket is issued in response to an Application submitted by DelVal Soil & Environmental Consultants, Inc. (DelVal) on behalf of Shearon Golf to the Delaware River Basin Commission (DRBC or Commission) on May 5, 2011 (Application), for a renewal and approval of an allocation of groundwater and review of a groundwater withdrawal project in the Ground Water Protected Area of Southeastern Pennsylvania. This docket was previously approved by the Commission on July 25, 2001.

The application was reviewed for continuation of the project in the Comprehensive Plan and approval under Section 3.8 and for a withdrawal permit under Section 10.3 of the Delaware River Basin Compact. The Montgomery County Planning Commission has been notified of pending action on this permit. A public hearing on this project was held by the DRBC on September 12, 2012.

A. DESCRIPTION

1. **Purpose**-- The purpose of this docket is to approve the renewal of an existing supply of groundwater to the Raven's Claw Golf Club from its two existing wells, Wells Nos. TW-1 and TW-2. The total allocation of groundwater will remain 6.70 million gallons per month (mgm); Raven's Claw Golf Club is not requesting an increase in groundwater withdrawal allocation from that contained in its prior approval.

2. **Location**-- The project wells are located in the Hartenstine Watershed, in Limerick and Lower Pottsgrove Townships, Montgomery County, Pennsylvania. The wells are located in the Brunswick Formation.

Specific location information has been withheld for security reasons.

3. **Service area** -- Wells Nos. TW-1 and TW-2 will be used to supply water for the irrigation of the Raven's Claw Golf Club property only.

4. **Physical features**--

a. **Design criteria**-- The Raven's Claw Golf Club property consists of 257 acres and consists of 20 acres of fairways, 4 acres of greens and 2 acres of tees and includes a residential subdivision. The allocation of groundwater from Wells Nos. TW-1 and TW-2 herein regards the golf course irrigation only; the residential subdivision and the golf course clubhouse are served by public water and sewer. Approximately 110 of the 257 acres are irrigated. The average and maximum demand is 0.162 million gallons per day (mgd) and 0.216 mgd, respectively. The docket holder estimates no future increase in demand.

b. **Facilities**. -- The docket holder's existing wells have the following characteristics:

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	YEAR DRILLED
TW-1	380'	66'8"	300 gpm	2000
TW-2	350'	66'8"	300 gpm	2000

All wells and service connections are metered.

The project facilities are above the 100-year flood elevation.

Potable water for the golf course clubhouse and residential subdivision is supplied by Aqua Pennsylvania, Inc.

c. **Other**. -- Wastewater is conveyed off-site to the sanitary sewer system that is served by Limerick Township Sewer System. The design capacity of this treatment facility is 1.70 mgd. The Pennsylvania Department of Environmental Protection (PADEP) issued its most recent NPDES Permit No. PA0051934 on March 12, 2009 for this treatment facility.

B. FINDINGS

The project is located within the Southeastern Pennsylvania Ground Water Protected Area delineated by the DRBC pursuant to Compact Section 10.2. The project is designed to conform to the requirements of the *Water Code*, *water Quality Regulations* and *Ground Water Protected Area Regulations (GWPAR)* of the DRBC.

Review and analysis of the application pursuant to Section 6d. of the Ground Water Protected Area Regulations (GWPAR) result in the following:

1. The withdrawal is consistent with the Commission's Comprehensive Plan and the policies and purposes of these regulations.
2. The wells satisfy irrigation requirements on a timely basis from existing available supplies and facilities.
3. The withdrawal, in conjunction with other withdrawals in the applicable ground water basin, should not exceed withdrawal limits of the groundwater basin, aquifer or aquifer system.
4. The withdrawal should not significantly impair or reduce the flow of perennial streams in the area.
5. Existing groundwater withdrawals should not be adversely impacted, or will be otherwise assured of adequate supplies in accordance with the requirements of Section 10 of the *GWPAR*.
6. The withdrawal should not cause substantial, permanent adverse impact to the overlying environment.

Project Wells Nos. TW-1 and TW-2 are located in the Schuylkill-Sprogels Run subbasin, where the total net annual groundwater withdrawal of 186.42 million gallons per year (mgy) is less than the withdrawal limit set in Section 6.I of the *GWPAR* of 1,455 mgy. The permit holder is requesting a monthly allocation of 6.70 mgm, which equates to 40.2 mgy (6.70 mgm times 6 months), a fraction of which will be returned to groundwater. However, even if no water from this project were returned to groundwater, the total net annual groundwater withdrawal from this subbasin would remain below the withdrawal limits set in Section 6.I of the *GWPAR*. Therefore, the withdrawals from the Raven's Claw wells in conjunction with other withdrawals in the subbasin are in accordance with the requirements of Section 6.I of the *GWPAR*.

The DRBC estimates that the project withdrawals, used for the purpose of golf course irrigation, result in a consumptive use of 90 percent of the total water use. The DRBC definition of consumptive use is defined in Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

C. DECISION

I. Effective on the approval date for Docket No. D-2001-008-2 below:

- a. The project described in Docket No. D-2001-8 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-2001-008-2; and
- b. Docket No. D-2001-8 is terminated and replaced by Docket No. D-2001-008-2; and
- c. The project and the appurtenant facilities described in the Section A “Physical Features” of this docket shall be added to the Comprehensive Plan.

II. The project as described in the Section A “Physical features” is approved pursuant to Section 3.8 of the *Compact* and is granted this withdrawal permit pursuant to Section 10.3 of the *Compact* and *GWPAR*, subject to the following conditions:

- a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission's. Within 60 days (November 12, 2012), the docket holder shall provide written confirmation to the Commission that it has registered and reported with PADEP all surface and groundwater sources described in this docket in accordance with the Pennsylvania Regulations (Title 25 - Environmental Protection, [25 PA. CODE CH. 110], Water Resources Planning).
- b. The wells and operational records shall be available at all times for inspection by the DRBC.
- c. The wells shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.
- d. During any month period, the withdrawals from the following wells shall not exceed:

WELL NO.	INSTANTANEOUS ALLOCATION (GPM)	MONTHLY ALLOCATION (MILLION GALLONS)
TW-1	50	2.23
TW-2	300	4.72

In addition, the total withdrawal from all wells shall not exceed 6.70 mgm or 40.2 mgy (6.70 mgm times 6 months).

e. The wells shall be equipped with a readily accessible capped port and drop pipe so that water levels may be measured under all conditions.

f. The project withdrawals shall be metered with an automatic continuous recording device that measures to within 5 percent of actual flow. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted if maintenance of the 5 percent performance is not technically feasible or economically practicable. A record of daily withdrawals shall be maintained, and monthly totals shall be reported annually by June 30, to the Bureau of Watershed Management, PADEP. Withdrawal records shall be available at any time to the Commission if requested by the Executive Director.

g. Each new water service connection shall include a water meter in accordance with the DRBC's Resolution No. 87-7 (Revised).

h. In accordance with DRBC Resolution No. 87-6 (Revised), the docket holder shall continue to implement to the satisfaction of the Bureau of Watershed Management and the PADEP, the systematic program to monitor and control leakage within the water supply system. The program shall at a minimum include: periodic surveys to monitor leakage, enumerate unaccounted-for water and determine the current status of system infrastructure; recommendations to monitor and control leakage; and a schedule for the implementation of such recommendations. The docket holder shall proceed expeditiously to correct leakages and unnecessary usage identified by the program.

i. The docket holder shall continue to implement its Water Conservation Plan as approved by PADEP, and shall report to the PADEP on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

j. The docket holder shall incorporate and implement reasonable conservation practices and measures consistent with efficient utilization of water resources.

k. A long-term monitoring program is required to obtain data on groundwater hydrologic conditions in the project area. The docket holder shall implement the long-term monitoring program as submitted by the docket holder in a letter dated June 1, 2001 and will include one additional well located at 47 Penn Road (Peterka). This program will include the following:

1. **Ground Water Level Monitoring** -- Monitoring Wells Nos. MW-1, MW-5, MW-6, MW-7, MW-8, MW-9, MW-15, MW-16 and 47 Penn Road (Peterka) shall be measured to estimate annual ground water fluctuations caused by seasonal changes and/or production well pumping, and detect water level declines that may affect the performance of public and private wells in the area of Wells Nos. TW-1 and TW-2.
2. **Reports** – All monitoring data, including records required in Conditions “f.” and “k.” herein shall be submitted to the Commission annually, due by April 1. The docket holder is encouraged to submit the annual report electronically. The report shall be prepared by a hydrogeologist and shall assess the effects of well withdrawals on

hydrologic conditions in the area. This report shall include an evaluation of the monitoring data required by this docket approval and such information as deemed appropriate by the hydrogeologist or required by the Executive Director.

l. No new water service connections shall be made to the premises connected to sewerage systems which are not in compliance with all applicable effluent limits contained in State permits and the *Water Quality Regulations* of the Commission.

m. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

n. The docket holder is permitted to provide the water approved in this docket to the areas included in Section A.3. Area Served of this permit. Any expansion beyond those included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the *Compact* and the *GWPAR*.

o. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

p. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend, alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

q. If any information demonstrates that the operation of this project significantly affects or interferes with any domestic or other existing uses of ground or surface water, or if the docket holder receives a complaint by any existing ground or surface water users within the zone of influence of the withdrawal, the docket holder shall immediately notify the Executive Director of any complaints by any ground or surface users within the zone of influence of the withdrawal, and unless excused by the Executive Director, shall investigate such complaints. The docket holder should direct phone call notifications of potential well or surface water interference or complaints of interference to the DRBC Project Review Section at 609-883-9500, extension 216. Oral notification must always be followed up in writing directed to the Executive Director. The docket holder shall provide the potentially impacted user(s) of wells or surface water supplies with copies of the correspondence submitted to the Commission. Any ground or surface water

user which is substantially adversely affected, rendered dry or otherwise diminished as a result of the docket holder's project withdrawal, shall be repaired, replaced or otherwise mitigated at the expense of the docket holder in accordance with Section's 2., 6.D., 10.B., and 13.A. of the *GWPAR*. A report of investigation and/or mitigation plan prepared by a hydrologist shall be submitted to the Executive Director as soon as practicable. The Executive Director shall make the final determination regarding the validity of such complaints, the scope or sufficiency of such investigations, and the extent of appropriate mitigation measures, if required.

r. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

s. For the duration of any drought emergency declared by either Pennsylvania or the Commission, water service or use by the docket holder pursuant to this approval shall be subject to the prohibition of those non-essential uses specified by the Governor of Pennsylvania, the Pennsylvania Emergency Management Council, PADEP, or the Commonwealth Drought Coordinator, to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission.

t. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the *Rules of Practice and Procedure*. In accordance with Section 15.1(p) of the *Delaware River Basin Compact*, cases and controversies arising under the *Compact* are reviewable in the United States district courts.

u. Renewal of this docket does not resolve violations, if any, by the docket holder that may have occurred prior to this renewal or that may be ongoing ("prior or ongoing violations") of provisions of the Delaware River Basin Compact ("Compact") or of any rule, regulation, order or approval duly issued by the Commission or the Executive Director pursuant to the Compact. The Commission reserves its right to take appropriate enforcement action against the docket holder, including but not limited to recovery of financial penalties consistent with Section 14.17 of the Compact, for any and all such prior or ongoing violations.

BY THE COMMISSION

APPROVAL DATE:

EXPIRATION DATE: September 12, 2022